

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**DANIELLE SEAMAN**, individually and  
on behalf of all others similarly situated,

*Plaintiff,*

**v.**

**DUKE UNIVERSITY; DUKE  
UNIVERSITY HEALTH SYSTEM,  
INC.; WILLIAM L. ROPER; and DOES  
1-20,**

*Defendants.*

**Case No. 1:15-cv-00462-CCE-JLW**

**MOTION TO DISMISS UNDER FED. R. CIV. P. 12(B)(6)  
OF DEFENDANT WILLIAM L. ROPER**

Defendant William L. Roper moves to dismiss Plaintiff Danielle Seaman's First Amended Complaint (Docket Entry 15) with prejudice under Federal Rule of Civil Procedure 12(b)(6) because Plaintiff has failed to state a claim upon which relief can be granted. The accompanying brief provides additional support for this motion.

**WHEREFORE**, Defendant requests that the Court enter an Order as follows:

- (1) Dismissing Plaintiff's First Amended Complaint with prejudice; and
- (2) Awarding Defendant such other and further relief as may be just and proper.

This 15th day of October, 2015.

/s/ Kearns Davis

Kearns Davis  
N.C. State Bar No. 22014

/s/ Clinton R. Pinyan

Clinton R. Pinyan  
N.C. State Bar No. 22260

/s/ Bryan Starrett

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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This 15th day of October, 2015.

/s/ Bryan Starrett  
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